

REMARKS

1. In response to the Office Action mailed June 17, 2005, Applicants respectfully request reconsideration. Claims 1-18, 20, 25, 26 and 29-40 were last presented for examination. Claims 1-15, 20, 25, 26, 29, 30 and 34-40 were allowed, claims 16 and 31 were rejected and claims 17, 18, 32 and 33 were objected to in the outstanding Office Action. By the foregoing Amendments, claims 16 and 31 have been amended. No claims have been cancelled or added. Thus, upon entry of this paper, claims 1-18, 20, 25, 26 and 29-40 will remain pending in this application. Of these thirty-three (33) claims, nine (9) claims (claims 1, 10, 16, 20, 26, 31, 34, 37 and 39) are independent. Based on the above Amendments and following Remarks, Applicants respectfully request that the outstanding objections and rejections be reconsidered, and that they be withdrawn.

2. Support for the amendments to claims 16 and 31 is supported by the specification on page 9, lines 18-25, as well as elsewhere in the originally filed specification, drawings, and claims.

Allowable Subject Matter

3. Applicants note with appreciation the Examiner's indication that claims 1-15, 20, 25, 26, 29, 30 and 34-40 recite allowable subject matter. Applicants also note with appreciation the Examiner's indication that claims 17, 18, 32 and 33 would be allowable if rewritten to include all of the limitations of the base claims and any intervening claims.

Claim Rejections

4. Independent claims 16 and 31 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,399,317 to Van Dyk, Jr. (hereinafter, "Van Dyk"). Based upon the above Amendments and following Remarks, Applicant respectfully requests reconsideration and withdrawal of these rejections based on the forgoing amendments.

5. Claim 16, as amended, claims a "method of sealing a space anterior to a surface, thereby inhibiting or preventing passage of EMI radiation through the space, comprising: *positioning a resilient EMI gasket around a riser* and in the space anterior to the surface;

squeezing the resilient EMI gasket, thereby causing a portion of the resilient EMI gasket to come into contact with and be forced against the surface; and limiting protrusion of the resilient EMI gasket in a direction away from the surface *by using the riser.*” (See, Applicant’s claim 16, above; emphasis added.) The Office Action states Van Dyk discloses that an EMI gasket positioning in a space and limiting protrusion of gasket in a direction away from the surface. In applying a reference for purposes of anticipation under 35 U.S.C. § 102(b) or § 102(e), the reference must teach every element of the claim. (See, MPEP § 2131). Van Dyk shows two apparatus (20, 40), whereby apparatus 20 provides an EMI seal between door (12, 12’) and frame (14), while 40 provides an EMI seal between two doors. (See, Van Dyk, col. 4, lns. 42-53.) These arrangements do not show that the EMI gasket is positioned around a riser and limited by a riser, as claimed by claim 16. Instead, as stated by the Office Action, the limiting away from the surface is done by trough 47 in Van Dyk. The riser as claimed by 16 is not the same as the trough 47 in Van Dyk since the EMI gasket is positioned around the riser, whereas the trough 47 does have an EMI gasket positioned around. Therefore, Van Dyk cannot teach every element of claim 16, and reconsideration and withdrawal of the rejection of claim 16 is respectfully requested.

6. Claim 31, as amended, claims a “method of sealing a space anterior to a surface, thereby inhibiting or preventing passage of EMI radiation through the space, comprising *positioning a resilient EMI gasket around a riser* in the space anterior to the surface, squeezing the resilient EMI gasket, thereby causing a portion of the resilient EMI gasket to forcibly contact the surface; and limiting protrusion of the resilient EMI gasket in at least one direction away from the surface *by using the riser.*” (See, Applicant’s claim 31, above; emphasis added.) For the reasons discussed above regarding claim 16, Van Dyk cannot teach every element of claim 31. Therefore, Van Dyk cannot teach every element of claim 31, and reconsideration and withdrawal of the rejection of claim 31 is respectfully requested.

Dependent Claims

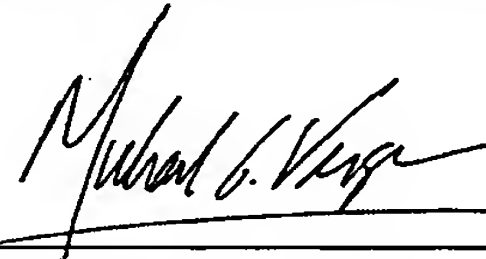
7. The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them a fortiori and independently patentable over the art of record. Accordingly, Applicant respectfully

requests that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

Conclusion

8. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael G. Verga", is written over a horizontal line.

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September 16, 2005